

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

5:13-cv-82-RLV-DSC

WILLIAM GERALD PRICE,)
)
Plaintiff,)
)
v.)
)
MICHAEL VETRO, SR., JOSEPH) **ORDER**
THOMPSON, IV, AMANDA K.)
MOORE, CHRISTINA C. HUGHART,)
JAMES D. WILLIAMS, RANDY M.)
LEWIS, and JERERY D. LEWIS)
)
Defendants.)

THIS MATTER is before the Court on Defendants Joseph Thompson, IV, Amanda K. Moore and Christina C. Hughart's "Motion to Enforce Local Rule 16.1 of the Rules of Practice and Procedure for the United States District Court for the Western District of North Carolina and FRCP 26(d)" (document #41).

On May 30, 2013, the pro se Plaintiff filed his Complaint. Defendants have filed dispositive Motions which are pending before District Judge Richard L. Voorhees. Accordingly, the parties have not held a Rule 26(f) conference and a scheduling order has not been entered.

On October 9, 2013, Plaintiff served Requests for Admissions upon the Defendants.

Local Rule 16.1(F) provides:

While the parties may engage in consensual discovery at any time, Court enforceable discovery does not commence until issues have joined and a Scheduling Order is entered. If a party believes that early court sanctioned discovery is warranted, such party may file a motion for leave to take early discovery therein showing good cause. No supporting memorandum of law is required for such a motion.

Pursuant to Rule 26(d) of the Federal Rules of Civil Procedure “[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)....”

FOR THESE REASONS, IT IS HEREBY ORDERED that:

1. Defendants Joseph Thompson, IV, Amanda K. Moore and Christina C. Hughart’s “Motion to Enforce Local Rule 16.1 of the Rules of Practice and Procedure for the United States District Court for the Western District of North Carolina and FRCP 26(d)” (document #41) is **GRANTED IN PART**. Specifically, all non-consensual discovery requests served by any party prior to the entry of a scheduling order, including the Requests for Admission served upon Defendants Thompson, Moore and Hughart, are **STRICKEN** and the receiving party need not respond.

2. No party shall make any additional discovery requests except by consent of the parties, prior to the Court’s ruling on Defendants’ dispositive Motions and the entry of a scheduling order.

SO ORDERED.

Signed: October 28, 2013



David S. Cayer
United States Magistrate Judge
